

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
 AND VARIANCE - W/S Brickston Road,
 133' SW of the c/l Putnam Court * DEPUTY ZONING COMMISSIONER
 (801-811 Brickston Road)
 4th Election District * OF BALTIMORE COUNTY
 3rd Councilmanic District * Case No. 97-197-SPHA
 Pulte Home Corporation
 Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance for the properties known as 801 thru 811 Brickston Road, located in the vicinity of Timber Grove Road and Gwynns Falls in Reisterstown. The Petition was filed by the owner of the property, Pulte Home Corporation, by James J. Dean, through Newton A. Williams, Esquire. The Petitioner seeks approval of an amendment to the last approved Final Development Plan of Suburbia Addition, Section 2, Phase 2, Lots 437 to 442 thereof, to reflect the proposed modifications set forth herein, and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 504 (Section V.B.6.d.2 of the C.M.D.P.) to permit a street centerline setback of 37 feet in lieu of the required 47 feet for Lots 438, 440, and 442, and a street centerline setback of 41 feet in lieu of the required 47 feet for Lots 437, 439 and 441; from Section 1B01.2.C.6 (Section V.B.3.b of the C.M.D.P.) to permit a distance between Lots 442 and 443 of 26 feet in lieu of the required 30 feet; and from Section 409.3 to permit a parking pad length of 16 feet in lieu of the required 18 feet for Lots 438 and 440. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

ORDER REGRADING
 Date 12/1/96
 By [Signature]

MICROFILMED

Testimony and evidence offered revealed that the subject of this request concerns Lots 437 thru 442 of Suburbia Addition, Section 2, Phase 2, thereof, which have been developed with three-story/garage townhouse units. Apparently, due to an engineering error, Building 15 which joins Lots 437 to 442 was located 6 feet into the required garage to street right-of-way. Thus, the requested variances are necessary to legitimize existing conditions. Further testimony revealed that Lots 437 to 442 are located on a dead-end court and that they are actually located about the same distance from Brickston Road as neighboring buildings with on-street parking. Inasmuch as the buildings are existing, the Petitioners and existent homeowners will suffer practical difficulty and unreasonable hardship without the requested variances.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

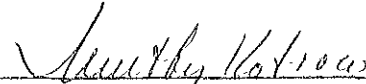
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6th day of December, 1996 that the Petition for Special Hearing seeking approval of an amendment to the last approved Final Development Plan of Suburbia Addition, Section 2, Phase 2, Lots 437 to 442 thereof, to reflect the proposed modifications set forth on Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 504 (Section V.B.6.d.2 of the C.M.D.P.) to permit a street centerline setback of 37 feet in lieu of the required 47 feet for Lots

ORDER RECEIVED FOR FILING
12/11/96
JPM

438, 440, and 442, and a street centerline setback of 41 feet in lieu of the required 47 feet for Lots 437, 439 and 441; from Section 1B01.2.C.6 (Section V.B.3.b of the C.M.D.P.) to permit a distance between Lots 442 and 443 of 26 feet in lieu of the required 30 feet; and from Section 409.3 to permit a parking pad length of 16 feet in lieu of the required 18 feet for Lots 438 and 440, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

December 6, 1996

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue, Suite 700
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING and VARIANCE
W/S Brickston Road, 133' SW of the c/l Putnam Court
(801-811 Brickston Road)
4th Election District - 3rd Councilmanic District
Pulte Home Corporation - Petitioner
Case No. 97-197-SPHA

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. James J. Dean
1501 S. Edgewood Street, Suite K, Baltimore, Md. 21227

Mr. Dwight Little
W. Duvall & Assoc., Inc., 530 E. Joppa Road, Towson, Md. 21204

Mr. Howard Berman
832 Brickston Road, Reisterstown, Md. 21136

People's Counsel; Case File

MICROFILMED



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at
97-197-SPHA

Brickston Road

which is presently zoned D.R.10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an amendment to the last approved Final Development Plan of Suburbia Addition, Section 2, Phase 2, as shown as to Lots 437 to 442.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Newton A. Williams

Nolan, Plumbhoff & Williams

(Type or Print Name)

Signature

Suite 700 - Nottingham Centre

502 Washington Avenue 823-7800

Address

Phone No.

Towson

MD

21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Pulte Home Corporation

(Type or Print Name)

Signature

James J. Dean

(Type or Print Name)

Signature

1501 S. Edgewood St, Suite K 644-5603

Address

Phone No

Baltimore

MD

21227

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Newton A. Williams

Nolan, Plumbhoff & Williams

Name Suite 700-Nottingham Centre

502 Washington Ave.

823-7800

Address Towson, MD 21204

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates _____ Next Two Months

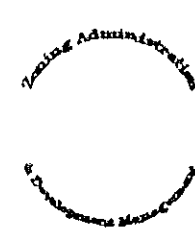
ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

DATE RECEIVED FOR FILING
12/1/96
By



WILSON & WILSON





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

97-SPHA

Brickston Road

which is presently zoned D.R.10.5.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attachment A

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

See Attachment B

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner,

Newton A. Williams
Nolan, Plumhoff & Williams

(Type or Print Name)

Newton A. Williams

Signature

Suite 700 - Nottingham Centre
502 Washington Avenue

823-7800

Address

Phone No.

Towson

MD

21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Pulte Home Corporation

(Type or Print Name)

James J. Dean

Signature

JAMES S. DEAN

(Type or Print Name)

Signature

1501 S. Edgewood Street
Suite K

644-5603

Address

Phone No.

Baltimore

MD

21227

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Newton A. Williams

Nolan, Plumhoff & Williams

Name Suite 700 - Nottingham Centre

502 Washington Avenue

823-7800

Address Towson, MD 21204

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

10/28/96

Printed with Soybean Ink
on Recycled Paper

Zoning Administration

Seal of Baltimore County

ORDER RECEIVED FOR FILING
Date 12/1/96
By [Signature]

ATTACHMENT A

97-197-SPHA

Variances Requested

1. From Section 504 BCZR (V.B.6.d.2.CMDP) to permit a 37' street centerline setback in lieu of 47' for Lots 438, 440, 442 and a 41' street centerline setback in lieu of 47' for Lots 437, 439 and 441.
2. From Section 1B01.2.C.6 BCZR (V.B.3.b. CMDP) to permit 26' distance between Lots 442 and 443 in lieu of 30'; and
3. An Area Variance to allow a parking pad 16 feet in length in lieu of the required 18 feet for Lots 438 and 440 (BCZR. Sec. 409.3).

ORDER RECEIVED FOR FILING

Date

By

12/6/96

By

ATTACHMENT B

97-197-SPHA

Reasons In Support of Requested Variances

1. Building 15, Lots 437 to 442 were erroneously located 6 feet into the required garage to street right of way area due to an engineering error.
2. That the building has actually been fully constructed in an erroneous location on Brickston Court, and is ready for sale.
3. That the situation is unique due to the error and full completion of the building.
4. That building 15 is actually located about the same distance from Brickston Road on a dead end court as neighboring buildings with on-street parking.
5. That without the requested variances the Petitioners and existent purchasers will sustain practical difficulty and unreasonable hardship.
6. That the requested variances, if granted, will not harm the health, safety and welfare of the area involved.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

W. DUVALL & ASSOCIATES, INC.

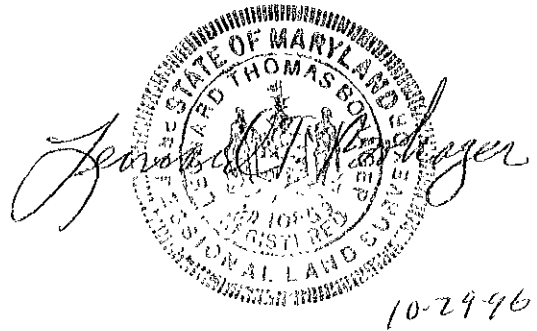
Engineers • Surveyors • Land Planners

97-197-SPHA

ZONING DESCRIPTION FOR #B01 - #B11 BRICKSTON ROAD

Beginning at a point on the west side of Brickston Road which is 62 feet wide at the distance of 133 feet southwest of the nearest improved intersecting street, Putman Court which is of a variable width. Being Lots #437 through #442, Section Two in the subdivision of Suburbia Addition as recorded in Baltimore County Plat Book S.M. 65 Folio 138, containing 0.336 acres, more or less. Also known as #B01 through #B11 Brickston Road and located in the 4th Election District, 3rd Councilmanic District.

197



ENCLOSURE

peaks Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #197-SPHA

801-815 Stone Road
W/S Home, Road, 133
SW of Hiram Court
4th District
3rd Contain
Legal Cj.
Pulte Corporation and
James

Speeding to acquire an apt to the apt (see) Development Section, he 2, as shown on Lns. 442. Whereas, the said apt of 47 feet for Lns. 440, 442 and a back in feet for Lns. 437, 438, 441, to permit 28 feet (dist. between Lns. 442 and 441 in of 39 feet) to accommodate the apt in length less of the apt and 440.

Hearing Money, December 2, 1936 at 9:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHLAFST
Zoning Commissioner for
Belmont County,
NOTES: (1) Hearings are
handicapped Accessible, for
special accommodations
Please Call 887-3353.
(2) For information concern-
ing the fee and/or Hearing,
Please Call 887-3291.

11/17/56 Nov. 14 095679

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

97-197-SPHA

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 197 Petitioner: Pulte Homes Corporation

Location: 801-811 Brickston Road; Owings Mills, MD. 21136

PLEASE FORWARD ADVERTISING BILL TO:

NAME: W. Duvall & Associates, Inc.

ADDRESS: 530 East Joppa Road

Towson, Maryland 21286

PHONE NUMBER: (410) 583-9571

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

Variance sign

ZONING NOTICE

Case No.: _____

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE: _____

DATE AND TIME: _____

REQUEST: *to permit a 31' street centerline setback in lieu of 47' for Lots 438, 440, 442 & a 41' street centerline setback in lieu of 47' for Lots 437, 439, 441, a 26' distance between Lots 442 & 443 in lieu of 30', and a 16' length parking pad in lieu of 18' for Lots 438 & 440.*

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

97-197-SPHA

MICROFILMED

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: _____ *Special Hearing Sign*

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: *an amendment to the last approved FDP*
of Suburban Addition, Section 2, Phase 2.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

97-197-SPHA

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY
November 14, 1996 Issue - Jeffersonian

Please forward billing to:

W. Duvall & Associates Inc.
530 E. Joppa Road
Towson, MD 21286
410-583-9571

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-197-SPHA (Item 197)
801-811 Brickstone Road
W/S Brickston Road, 133' SW of c/l Putman Court
4th Election District - 3rd Councilmanic
Legal Owner(s): Pulte Home Corporation and James J. Dean

Special Hearing to approve an amendment to the last approved Final Development Plan of Suburbia Addition, Section 2, Phas 2, as shown on Lots 437 to 442.
Variance to permit a 37 foot street centerline setback in lieu of 47 feet for Lots 438, 440, 442 and a 41 foot street centerline setback in lieu of 47 feet for Lots 437, 439, and 441; to permit 26 feet distance between Lots 442 and 443 in lieu of 30 feet; and to allow a parking pad 16 feet in length in lieu of the required 18 feet for Lots 438 and 440.

HEARING: MONDAY, DECEMBER 2, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 8, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-197-SPHA (Item 197)
801-811 Brickstone Road
W/S Brickston Road, 133' SW of c/l Putman Court
4th Election District - 3rd Councilmanic
Legal Owner(s): Pulte Home Corporation and James J. Dean

Special Hearing to approve an amendment to the last approved Final Development Plan of Suburbia Addition, Section 2, Phas 2, as shown on Lots 437 to 442.
Variance to permit a 37 foot street centerline setback in lieu of 47 feet for Lots 438, 440, 442 and a 41 foot street centerline setback in lieu of 47 feet for Lots 437, 439, and 441; to permit 26 feet distance between Lots 442 and 443 in lieu of 30 feet; and to allow a parking pad 16 feet in length in lieu of the required 18 feet for Lots 438 and 440.

HEARING: MONDAY, DECEMBER 2, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Pulte Home Corporation
Newton A. Williams, Esq.
W. Duvall & Associates, Inc.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 17, 1996.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 27, 1996

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams
Suite 700 - Nottingham Centre
502 Washington Avenue
Towson, MD 21204

RE: Item No.: 197
Case No.: 97-197-SPHA
Petitioner: Pulte Home Corporation

Dear Mr. Williams:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 28, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 11-8-96
Item No. 157 (MSK)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

ENCLOSURE

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 11/13/96

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: NOV. 12, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

197

198

200

203

RBS:sp

BRUCE2/DEPRM/TXTSBP

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 11/14/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF NOV. 12, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 196, 197, 198, 199, 200, 201,
202 AND 203.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: November 14, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. 197

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

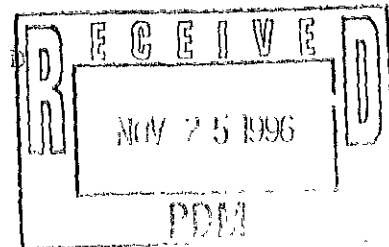
Carol L. Kerns

PK/JL

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTRA-OFFICE CORRESPONDENCE



TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: November 19, 1996

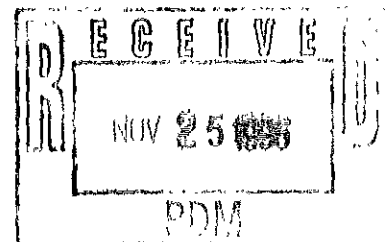
FROM: *Pub* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for November 18, 1996
Item Nos. (13.) 198, 199, 202, &
203

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File



ZONE37

ENCLOSURE

PETITION PROBLEMS

#197 --- MJK

1. Need signature, printed name, and title of person signing for legal owner.
2. No property address on petition form (only street name).

#198 --- JCM

1. Signature for legal owner says "Jr."; typed name does not - which is correct?

#200 --- MJK

1. Need title of person signing for Southland Corporation.
2. Need telephone number for Southland Corporation.
3. Need title of person signing for contract purchaser.
4. Plat says legal owner is Southland Corporation and Robert Gemmill and his wife; petition says Southland Corporation and Robert Gemmill - which is correct?

#202 --- JRA

1. Plat says prior zoning hearings, but has no case numbers.

97-197-SPHA

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
801-811 Brickstone Road, W/S Brickston Rd,*		ZONING COMMISSIONER
133' SW of c/l Putman Court		
4th Election District, 3rd Councilmanic	*	OF BALTIMORE COUNTY
Pulte Homes Corp. and James J. Dean	*	CASE NO. 97-197-SPHA
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio

 CAROLE S. DEMILIO
 Deputy People's Counsel
 Room 47, Courthouse
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of December, 1996, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esq., Nolan, Plumhoff & Williams, 502 Washington Avenue, Suite 700, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

 PETER MAX ZIMMERMAN

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

97-197-SPHA

Baltimore County Department
of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention: Mr. Arnold Jablon, Director

Re: Suburbia Addition
"Timbergrove"
PN 86072

#197

Dear Mr. Jablon:

We are hereby requesting your assistance with regard to a problem discovered on October 22, 1996. One building, Building 15, has been constructed 6 feet too close to the right-of-way line for Brickston Road.

GENERAL OVERVIEW

The problem is the result of a surveying stake-out error by our office. This error resulted in a group of six garage townhouses being constructed in the wrong location; the houses are complete. The end result is that the houses are encroaching into the front building setback requirement of 22 feet. Three of the units are 16 feet from the right-of-way; the other three are 20 feet from the right-of-way.

SPECIFIC CHRONOLOGY

On May 31, 1996 we staked out a group of six townhouse lots at a subdivision being marketed under the name of Timbergrove for our client, the builder. These lots, legally known as Lots 437 through 442 as shown on a Plat entitled "Partial Amended Section Two Plat Six Suburbia Addition" and recorded in Plat Book S.M. 65 folio 138, were staked incorrectly. Unfortunately, the error was not discovered until October 22, 1996 when we were preparing the final location surveys for the lots. The mistake creates a six foot encroachment into the front building setback.

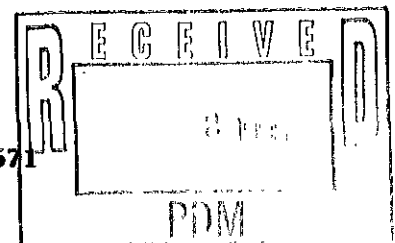
Originally, the townhouse group in question was designed by our office to be set 36 feet from the street right-of-way. Because of a computational error, the group was staked only 16 feet back from the street right-of-way. These townhomes are garage units and the minimum building setback line as shown on the Record Plat is 22 feet, thus creating a six foot encroachment.

THE PROBLEM

All six homes are built, several are sold and ready to be occupied. One of the lots is scheduled to go to settlement on October 30, 1996 and the others in early November. The situation is that there are families who have already sold their current homes and must relocate. Through no fault of their own, the hardship is obvious that would be created to both the home buyers, and builder, if settlement cannot take place at the scheduled times.

530 East Joppa Road/Towson, Maryland 21286/(410) 583-9571

MICROFILMED



97-197-SPHA

The mistake we made, and the resulting situation, falls squarely on our shoulders. The mistake was human in nature and we are not absolutely certain how it happened. An apology, no matter how sincere, is not going to correct the problem. What we are asking for, is help.

THE SOLUTION

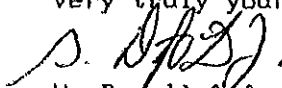
Aside from physically relocating the constructed building, we understand that the obtaining of zoning variances is probably our only option. We also believe this to be the correct solution. We understand that, given the facts, the normal Zoning Petition process applies including a hearing. Accordingly, we will have filed the required petition by the time you read this correspondence.

However, since the zoning process will take, at best, 45 days and settlements are scheduled next week, the dilemma is apparent. We are asking your help in any way to expedite the variance approval process, and ensure that the scheduled settlements occur and that the buyers can occupy their homes on time. Is it possible for you to grant, and would you grant, an approval of the variance(s) requested prior to the actual zoning hearing-perhaps conditionally? Additionally, perhaps a favorable recommendation could be issued from your office for the variance(s) requested. In any case, we would greatly appreciate any assistance you can provide that would allow settlements to occur on time. A copy of the petition form and accompanying plat are enclosed for your reference.

We know we are asking for something unusual, but it is an unusual situation. The only solution to the problem besides granting a variance is to move the building; however, we believe in this case that this is an option that anyone involved would not seriously consider.

We sincerely appreciate your help in this matter. Thank you for your attention and we look forward to hearing from you. You may contact Jim Wiest or me at our office.

Very truly yours,



W. Duvall & Associates, Inc.
G. Dwight Little, Jr. P.E.
Executive Vice-President

ENCLOSURE

Case No. 97-197-SPHA

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Newton A. Williams
JAMES W. GRANDE
Dwight Little

502 Wash. Ave., 21204 (attys)
PALTE HOME CORP. 15015
W. Duvall & Assoc., Inc.
530 E. Joppa Rd., Towson, MD 21286

Howard Ber man
832 Brickstone
Rd. 2/1/36
and copy
97-197-SPHA



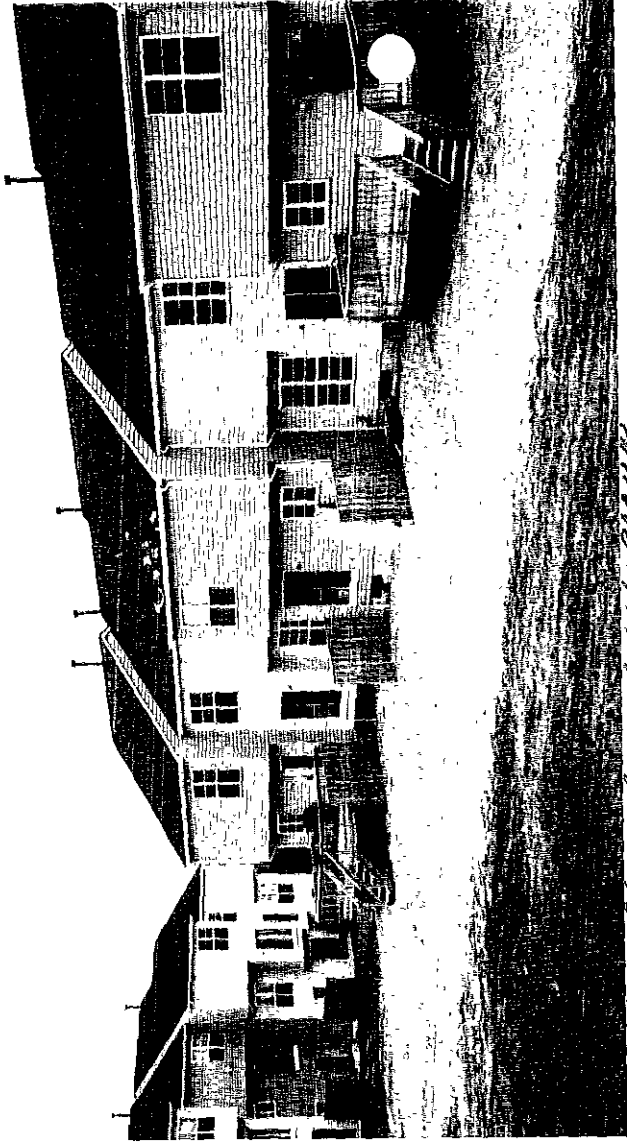
(5295/01)

A. Zoning Board vs.
City of Little

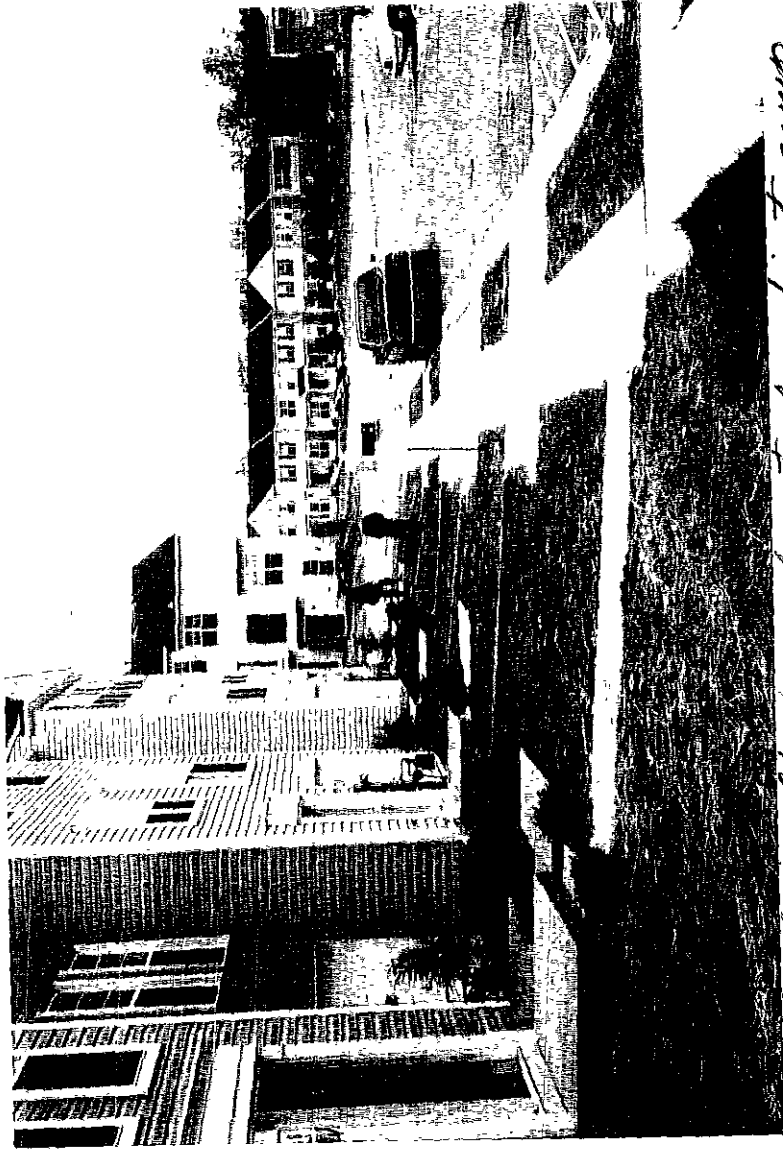


C. Looking W. at site and subject group of homes.

MAILED
JAN 20 1910

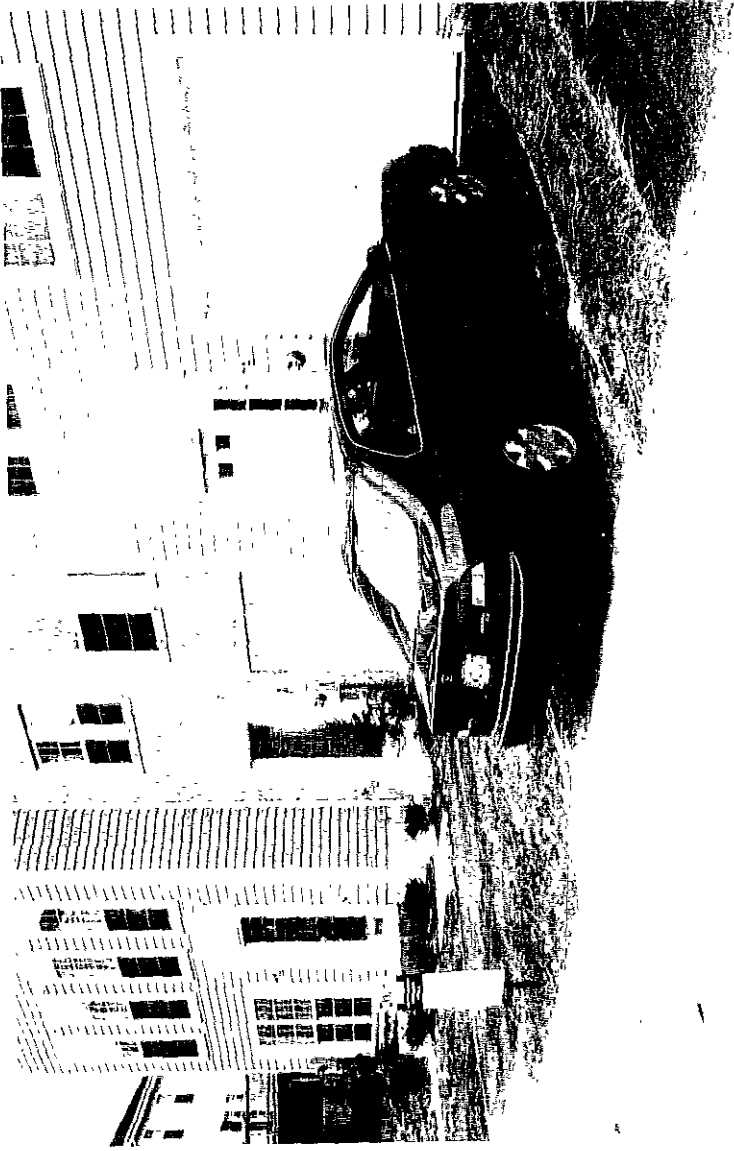


E. Rear of subject group



D. Looking N along front of subject group.

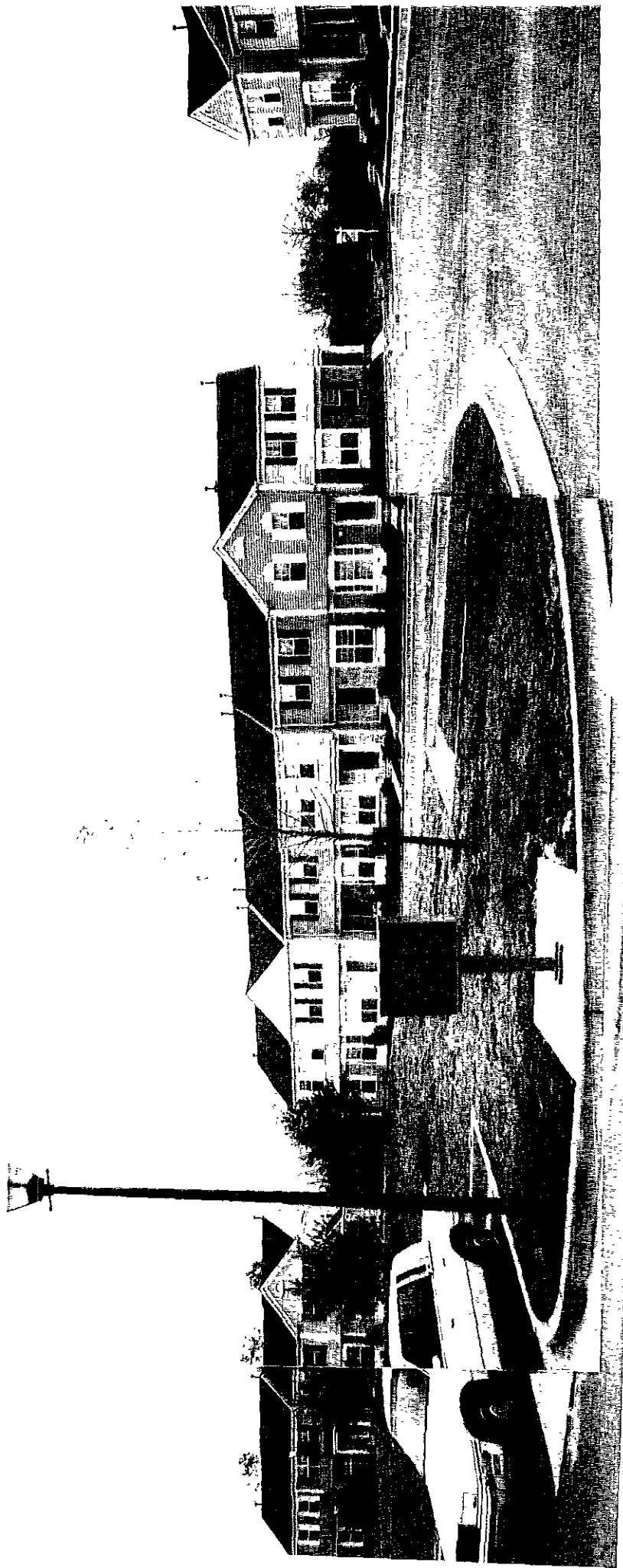
100-100-100



F. Auto in of of subject driveway
at 807 Bruckston Rd.



L. Home on opposite, E/S of Bruckston Rd.



N. Danvers, New York. Landscaped view in middle of Buckston Rd.



L. Looking E at 813, 811 Brickston on
left.



J. Looking SW at 811 and 813 Brickston Rd.

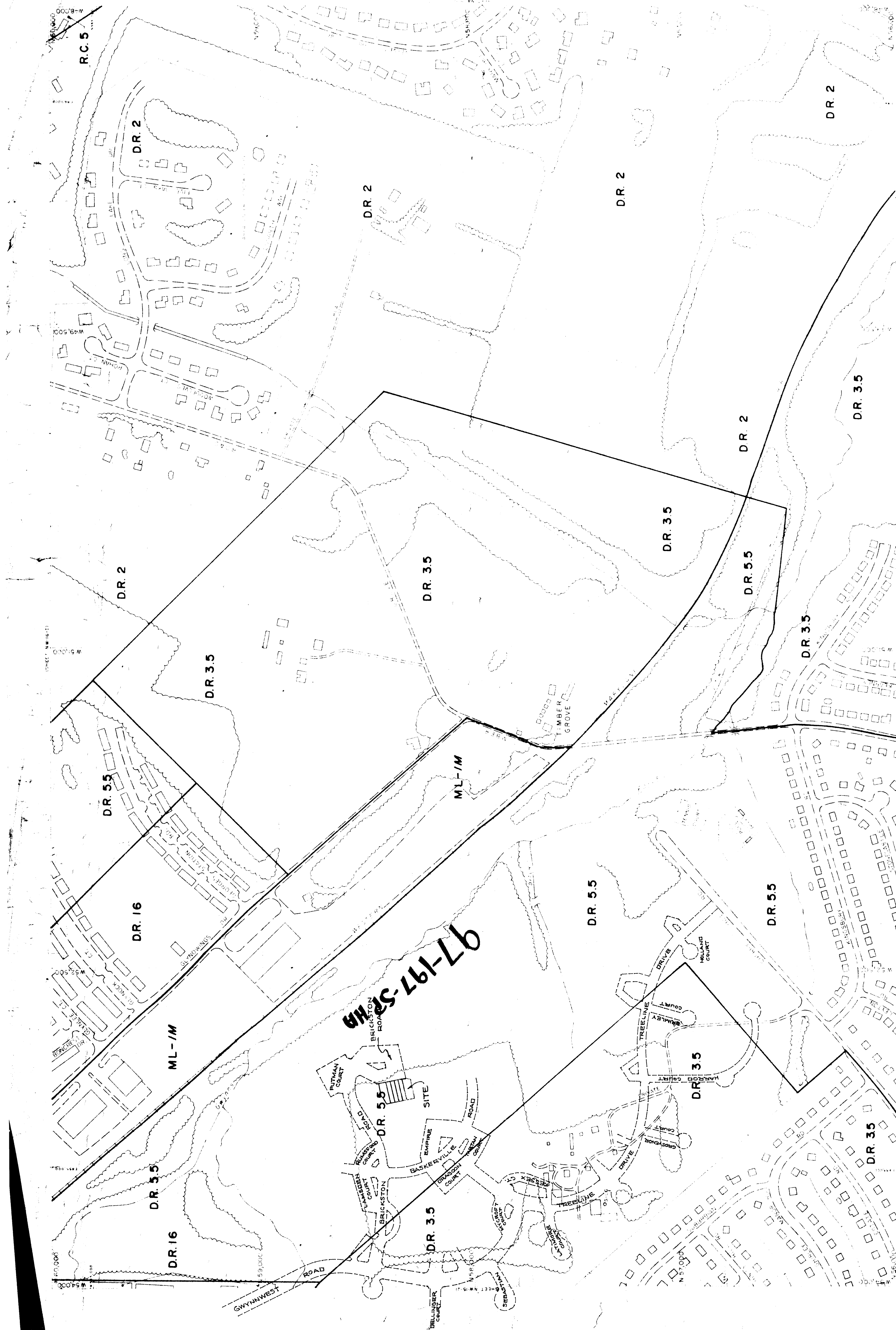


Looking N from 811, 809



X. Looking S from 811

RECORDED



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
B/C No. 124-98-15-98
197
Chairman, County Council

SCALE
1" = 200'

DATE OF PHOTOGRAPHY
JANUARY 1986

LOCATION
TIMBER GROVE

NW
15-1

T - NW
W - SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

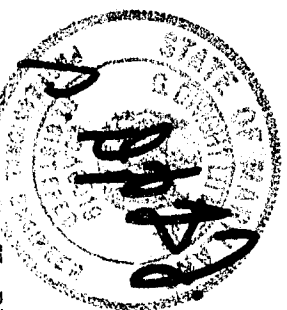
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LOT #	SQ. FT.	ACRES
437	3251	0.075
438	2000	0.046
439	2000	0.046
440	2000	0.046
441	2000	0.046
442	3375	0.078

VARIANCES REQUESTED

1. From Section 504 BCZR (V.B.6.d.2.CMDP) to permit a 37' street centerline setback in lieu of 47' for Lots 438, 440, 442 and a 41' street centerline setback in lieu of 47' for Lots 437, 439 and 441.
2. From Section 1B01.2.C.6BCZR (V.B.3.b.CMDP) to permit 26' distance between Lots 442 and 443 in lieu of 30'; and
3. An Area Variance to allow a parking pad 16 feet in length in lieu of the required 18 feet for Lots 438 and 440 (BCZR, Sec. 409.3).

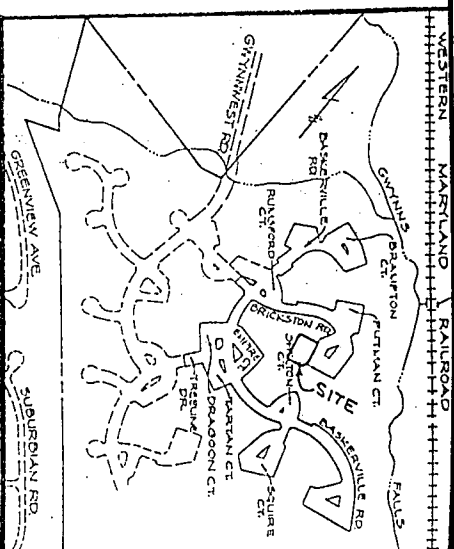


W. DUVALL & ASSOCIATES, INC.
ENGINEERS, SURVEYORS, LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21204
(410) 583-9571

OWNER
PULTE HOME CORPORATION
1501 S. EDGEWOOD STREET
SUITE K
BALTIMORE, MARYLAND 21227
PHONE: 644-5603



LOCATION MAP
SCALE: 1" = 1000'



- NOTES:
1. PRIOR ZONING HISTORY - NONE
 2. ALL LOTS SHOWN ON THIS PLAN ARE REFERENCED TO A PLAT ENTITLED "PARTIAL AMENDED SECTION TWO PLAT SIX SUBURBAN ADDITION" AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK S.M. 65 FOLIO 138.
 3. SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
 4. THE AREA OF THE SITE (LOTS 437-442) IS 14626 SQUARE FEET OR 0.336 ACRES +/-.
 5. EXISTING AND PROPOSED ZONING: DR 5.5
 6. ALL UTILITIES TO SERVICE THIS SUBDIVISION ARE PUBLIC.
 7. PARKING REQUIRED-2 SPACES/LOT (LOTS 437-441)
 8. PARKING PROPOSED-2 SPACES/LOT (LOTS 437-441)

PLAT TO ACCOMPANY PETITION FOR
ZONING VARIANCE

#801 - #811 BRICKSTON ROAD

4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 50'
DATE: OCTOBER 23, 1996
REVISED OCTOBER 30, 1996

147
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SPMA-197-7-9